

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

FILED  
NOV 19 2004  
U.S. DISTRICT COURT  
DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al. :

Plaintiffs :

VS. :

JEFFREY DERDERIAN, et al. :

Defendants :

C.A. NO. 04-312L

VS. :

HOME DEPOT, INC. :

Third Party  
Defendants :

PLAINTIFFS' MOTION FOR LEAVE TO FILE SUR-REPLY IN SUPPORT OF  
THEIR OBJECTION TO THE MOTION TO DISMISS FILED BY DEFENDANTS  
FOAMEX INTERNATIONAL, INC., FOAMEX L.P. AND FMXI, INC.

Plaintiffs hereby move for leave to file a sur-reply in support of their Objection to the Motion to Dismiss filed by Defendants Foamex International, Inc., Foamex L.P. and FMXI, Inc.

Defendants have advanced arguments in their Reply memorandum that Plaintiffs assert should be addressed in a sur-reply. Due to the nature and complexity of the many issues raised in Defendants' Motion to Dismiss, now joined with the counter-

Granted: Ronald R. Fagnano  
SA - USAJ 11/23/04

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